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SECRETARY OF STATE

18 March 1991

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P.O. Box 435  
2 Armory Road  
Plymouth, New Hampshire 03264

Mr. William Gardiner  
Secretary of State  
State of New Hampshire  
Concord, New Hampshire 03264

Dear Mr. Gardiner:

I am writing with regard to the PLYMOUTH VILLAGE WATER AND SEWER PRECINCT Election which was held in Plymouth on 12 March 1991. I was a candidate in that election having been defeated by one vote. In the process of securing a recount I unfortunately uncovered several improprieties in the election process, some of which I have outlined below.

1) The District uses the same checklist that the Town of Plymouth and the school district uses. If a voter is a member of the District there is a "1" after their name. Last year the boundaries of the District expanded, consequently there are a number of new voters within the District. These new voters were not indicated on the checklist. As people came in to vote, and if they were new voters in the District, they would indicate to the supervisors that they had the right to vote and their status as voters in the District was indicated accordingly. I contend that this is an update, or addition to the checklist which should not be done on the day of the election. Only persons on the POSTED checklist should be able to vote.

2) In the process of examining the checklist that was used I find that one voter, an ELIZABETH AMES is indicated (by an updated mark on the list) to be a voter in the District, and most likely was given a ballot when in fact she lives in an area that is not within the District. Additionally, her husband ARTHUR AMES who clearly lives at the same address (as indicated on the checklist) was not marked as a voter and was not given a ballot.

3) Another individual PAUL REISS was marked in as a voter as he lives in the expanded area of the District, he was given a ballot. His wife on the other hand, who clearly lives at the same address (as indicated on the checklist) was not marked in and probably was not given a ballot.

4) Pamela Gardner was given her ballot, then she was asked if she still lived in the District, she explained that she had just moved to Tenney Mountain (which is outside the District) and so the change was made to the checklist indicating that she and her husband were no longer in the District. According to her they did not take back the ballot and she voted in the District election. Later when her husband came to vote he was told he could not vote in the District election.

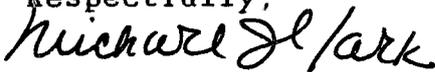
5) Gardiner Tucker was noted as being a member of the District, was given a ballot, voted, and after placing his ballot in the hands of the moderator, who deposited the ballot in the sealed ballot box, was challenged by one of the supervisors as to his residency. It was determined that he was not in fact a resident in the District, however his ballot was already cast.

6) I further contend that there were voters who would have voted in the District election if they had been properly indicated on the checklist. It appears that there was no effort to include these voters prior to the election.

I have made these facts known to the Moderator, Mr. Leonard Sawyer, in writing. They were submitted prior to the deliberative session of the annual PLYMOUTH VILLAGE WATER AND SEWER PRECINCT meeting. He took the information under advisement and did not swear in the newly elected officers pending his decision. Today 18 March 1991 he advised me that he does not have any authority to act regarding these discrepancies, and that these should have been challenged at the time of the voting.

I would ask that your office take the appropriate action to insure that this matter is resolved in a timely fashion.

Respectfully,



Michael J. Clark